



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

10-31-16

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Application of Pacific Gas and Electric Company for Approval of the Retirement of Diablo Canyon Power Plant, Implementation of the Joint Proposal, And Recovery of Associated Costs Through Proposed Ratemaking Mechanisms.

(U 39 E)

Application 16-08-006
(Filed August 11, 2016)

**NOTICE OF INTENT TO CLAIM INTERVENOR COMPENSATION
AND, IF REQUESTED (and [x]¹ checked), ADMINISTRATIVE LAW JUDGE'S
RULING ON THE ALLIANCE FOR NUCLEAR RESPONSIBILITY'S
SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP**

NOTE: After electronically filing a PDF copy of this Notice of Intent (NOI), please email the document in an MS WORD format to the Intervenor Compensation Program Coordinator at Icompcoordinator@cpuc.ca.gov.

**Customer (party intending to claim intervenor compensation):
Alliance for Nuclear Responsibility**

**Assigned Commissioner:
Michael Picker**

**Administrative Law Judge:
Peter V. Allen**

I hereby certify that the information I have set forth in Parts I, II, III and IV of this Notice of Intent (NOI) is true to my best knowledge, information and belief.

Signature: /s/ Rochelle Becker

Date: October 31, 2016

Printed Name: Rochelle Becker

PART I: PROCEDURAL ISSUES
(To be completed by the party (“customer”) intending to claim intervenor compensation)

A. Status as “customer” (see Pub. Util. Code § 1802(b)): The party claims “customer” status because the party is (check one):	Applies (check)
<p>1.</p> <p>Category 1 customer is an actual customer whose self-interest in the proceeding arises primarily from his/her role as a customer of the utility and, at the same time, the customer must represent the broader interests of at least some other customers.</p> <p>In addition to describing your own interest in the proceeding you must show how your participation goes beyond just your own self-interest and will benefit other customers.</p>	<input type="checkbox"/>
<p>2.</p> <p>Category 2 customer is a representative who has been authorized by actual customers to represent them. Category 2 involves a more formal arrangement where a customer or a group of customers selects a more skilled person to represent the customer’s views in a proceeding. A customer or group of customers may also form or authorize a group to represent them, and the group, in turn, may authorize a representative such as an attorney to represent the group.</p> <p>A representative authorized by a customer must identify the residential customer(s) being represented and provide authorization from at least one customer. See D.98-04-059 at 30.</p>	<input type="checkbox"/>
<p>3.</p> <p>Category 3 customer is a formally organized group authorized, by its articles of incorporation or bylaws to represent the interests of residential customers or small commercial customers receiving bundled electric service from an electrical corporation.¹ Certain environmental groups that represent residential customers with concerns for the environment may also qualify as Category 3 customers, even if the above requirement is not specifically met in the articles or bylaws. See D.98-04-059, footnote at 3.</p>	<input checked="" type="checkbox"/>
<p>The party’s explanation of its customer status must include the percentage of the intervenors members who are residential ratepayers or the percentage of the intervenors members who are customers receiving bundled electric service from an electrical corporation, and must include supporting documentation: (i.e., articles of incorporation or bylaws).</p> <p>As filed with the Office of the Secretary of State of the State of California, the</p>	

¹ Intervenors representing either a group of residential customers or small commercial customers who receive bundled electric service from an electrical corporation, must indicate in Part I, Section A, Item #4 of this form, the percentage of their members who are residential customers or the percentage of their members who receive bundled electric service from an electrical corporation. The NOI may be rejected if this information is omitted.

<p>Articles of Incorporation of the Alliance for Nuclear Responsibility (“A4NR”), at Article 2, provide the purpose of the organization as being “to educate the public on energy choices and to reduce the dangers associated with nuclear energy and nuclear waste and to take specific actions related assuring public health from unsafe exposure to ionizing radiation.” A4NR most recently submitted its Articles of Incorporation and its amended Bylaws in the amended Notice of Intent to Claim Intervenor Compensation in Application 14-12-007 on August 13, 2015. These Articles of Incorporation have also been previously filed and accepted by the Commission in Application 15-09-001 and Application 16-03-006 in satisfaction of A4NR’s demonstration of eligibility for intervenor compensation.</p> <p>A4NR recently amended its Bylaws to provide explicitly that the “specific actions” the organization may pursue in furtherance of its purposes include “representing the interests of residential customers in California administrative proceedings, related to assuring public health.” A true and correct copy of A4NR’s Amended Bylaws are attached to this Amended Notice of Intent to Claim Intervenor Compensation. Pursuant to the general statement of purpose found in A4NR’s Articles of Incorporation and the specific provision of its Bylaws cited above, A4NR represents both residential and small business customers on nuclear energy issues before California and Federal regulatory agencies, the Legislature, and Congress. Based upon its current membership rolls, more than ninety percent (90%) of A4NR’s members are residential customers receiving bundled electricity service from Pacific Gas & Electric Company (PG&E), Southern California Edison or San Diego Gas & Electric Company, with the majority being residential customers of PG&E. A4NR believes that both its residential and small business customer constituents share identical interests in this proceeding, namely, the setting of reasonable electric rates and adoption of reasonable terms of electric service.</p>	
<p>Identify all attached documents in Part IV.</p>	
<p>The Amended Bylaws of the Alliance for Nuclear Responsibility, dated July 14, 2016.</p>	
<p>Do you have any direct economic interest in outcomes of the proceeding?²</p> <p>Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/></p> <p>If “Yes”, explain:</p>	

B. Conflict of Interest (§ 1802.3)

Check

² See Rule 17.1(e).

1. Is the customer a representative of a group representing the interests of small commercial customers who receive bundled electric service from an electrical corporation?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. If the answer to the above question is “Yes”, does the customer have a conflict arising from prior representation before the Commission?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
C. Timely Filing of Notice of Intent (NOI) (§ 1804(a)(1)):	Check
1. Is the party’s NOI filed within 30 days after a Prehearing Conference? Date of Prehearing Conference: October 6, 2016	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. Is the party’s NOI filed at another time (for example, because no Prehearing Conference was held, the proceeding will take less than 30 days, the schedule did not reasonably allow parties to identify issues within the timeframe normally permitted, or new issues have emerged)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2a. The party’s description of the reasons for filing its NOI at this other time: N/A	
2b. The party’s information on the proceeding number, date, and decision number for any Commission decision, Commissioner ruling, Administrative Law Judge’s ruling, or other document authorizing the filing of NOI at that other time: N/A	

PART II: SCOPE OF ANTICIPATED PARTICIPATION
(To be completed by the party (“customer”) intending to claim intervenor compensation)

A. Planned Participation (§ 1804(a)(2)(A)(i)):

The party’s statement of the issues on which it plans to participate:

A4NR is one of the several parties which are signatories to the Joint Proposal submitted by PG&E in its application. A4NR currently plans to participate in this proceeding by addressing three issues raised in the Joint Proposal. First, A4NR will support PG&E’s proposal to implement and recover the costs of an employee-retention and –retraining program for Diablo Canyon employees. Second, A4NR will support PG&E’s proposal to implement and recover the costs of the proposed community impacts mitigation program, and will address the implications of the passage of 2016 Senate Bill 968 (Stats.2016, ch.674) and the retirement of Diablo Canyon on the existing plant safety and emergency-preparedness programs. Third, A4NR will oppose the recovery of the costs incurred by PG&E related to the pursuit of reactor-operator license extensions for the two Diablo Canyon units. A4NR believes these costs were unauthorized by the Commission, were imprudently incurred, and/or are otherwise unreasonable in amount and, therefore, should not be recovered through rates.

The party’s explanation of how it plans to avoid duplication of effort with other parties:

A4NR has met with, and plans to continue meeting and coordinating with, the other parties to this proceeding in order to avoid duplicative effort. A4NR notes it was the first party to address the reasonableness of the recovery of license-extension costs and that its opposition to such recovery is reflected in both the terms of the Joint Proposal and the Application.

The party’s description of the nature and extent of the party’s planned participation in this proceeding (to the extent that it is possible to describe on the date this NOI is filed):

A4NR has already engaged in extensive discovery, and plans to serve and present its own direct testimony in support of its positions on the issues. A4NR also plans to cross-examine adverse witnesses in the event evidentiary hearings are held, file opening and reply briefs, and comment on the Proposed Decision(s) in this proceeding.

B. The party’s itemized estimate of the compensation that the party expects to request, based on the anticipated duration of the proceeding (§ 1804(a)(2)(A)(ii)):

Item	Hours	Rate \$	Total \$	#
ATTORNEY, EXPERT, AND ADVOCATE FEES				
Attorneys				
Alvin Pak	340	\$575	\$195,500	
John Geesman	100	\$575	\$57,500	
Experts				
John Geesman	200	\$425	\$84,000	
Richard Wolfe	150	\$425	\$63,750	
Engineering Expert (TBD)	50	\$425	\$21,250	

Advocates				
Rochelle Becker	150	\$140	\$21,000	
David Weisman	100	\$85	\$8,500	
Subtotal: \$451,500				
COSTS				
Travel	5 roundtrip airfares	\$500 per roundtrip		\$7,500
Travel	20 hotel nights	\$400/night		\$8,000
Copying/Postage				\$500
Subtotal: \$16,000				
TOTAL ESTIMATE: \$469,500				
Estimated Budget by Issues:				
A4NR's estimated budget is allocated among the three issues on which it plans to participate as follows:				
1. Employee retention and retraining programs: 5% (or \$23,375)				
2. Safety and emergency preparedness programs: 5% (or \$23,375)				
3. Recovery of reactor-operator license extension costs: 90% (or \$422,750)				
<i>When entering items, type over bracketed text; add additional rows to table as necessary. Estimate may (but does not need to) include estimated Claim preparation time. Claim preparation time is typically compensated at ½ professional hourly rate.</i>				

PART III: SHOWING OF SIGNIFICANT FINANCIAL HARDSHIP
(To be completed by party (“customer”) intending to claim intervenor
compensation; see Instructions for options for providing this
information)

A. The party claims “significant financial hardship” for its Intervenor Compensation Claim in this proceeding on the following basis:	Applies (check)
1. “[T]he customer cannot afford, without undue hardship, to pay the costs of effective participation, including advocate’s fees, expert witness fees, and other reasonable costs of participation” (§ 1802(g)).	<input type="checkbox"/>
2. “[I]n the case of a group or organization, the economic interest of the Individual members of the group or organization is small in comparison to the costs of effective participation in the proceeding” (§ 1802(g)).	<input type="checkbox"/>
3. A § 1802(g) finding of significant financial hardship in another proceeding, made within one year prior to the commencement of this proceeding, created a rebuttable presumption in this proceeding (§ 1804(b)(1)).	<input checked="" type="checkbox"/>

B. The party’s explanation of the factual basis for its claim of “significant financial hardship” (§ 1802(g)) (necessary documentation, if warranted, is attached to the NOI:
<p>The Commission, by ruling of Administrative Law Judge Bushey, entered a finding of financial hardship on A4NR’s behalf on July 26, 2016, in Application 16-03-006. A4NR is therefore, under the Commission’s rules, entitled to a rebuttable presumption of eligibility for intervenor compensation.</p> <p>A4NR’s opposition to rate recovery of PG&E’s costs of seeking reactor-operator license extensions would, if adopted by the Commission, result in rates \$52.7 million below the rates proposed by PG&E and the enforcement of the Commission’s prior orders regarding planning for the replacement of Diablo Canyon. The share of rate savings that would be received by A4NR’s members would be a nominal fraction of this amount. Thus, the potential rate savings proposed by A4NR far outweigh the benefits its members would receive if the Commission were to adopt A4NR’s recommendations in this proceeding. This rationale formed the basis for the Commission’s prior finding with respect to A4NR’s demonstration of financial hardship in the ruling cited above.</p>

**PART IV: ATTACHMENTS DOCUMENTING SPECIFIC
ASSERTIONS MADE IN THIS NOTICE**
**(The party (“customer”) intending to claim intervenor compensation
identifies and attaches documents; add rows as necessary)**

Attachment No.	Description
1	Certificate of Service
2	Amended Bylaws of the Alliance for Nuclear Responsibility, dated July 14, 2016

ADMINISTRATIVE LAW JUDGE RULING³
(Administrative Law Judge completes)

	Check all that apply
1. The Notice of Intent (NOI) is rejected for the following reasons:	<input type="checkbox"/>
a. The NOI has not demonstrated the party's status as a "customer" for the following reason(s):	<input type="checkbox"/>
b. The NOI has not demonstrated that the NOI was timely filed (Part I(B)) for the following reason(s):	<input type="checkbox"/>
c. The NOI has not adequately described the scope of anticipated participation (Part II, above) for the following reason(s):	<input type="checkbox"/>
2. The NOI has demonstrated significant financial hardship for the reasons set forth in Part III of the NOI (above).	<input type="checkbox"/>
3. The NOI has not demonstrated significant financial hardship for the following reason(s):	<input type="checkbox"/>
4. The Administrative Law Judge provides the following additional guidance (see § 1804(b)(2)):	<input type="checkbox"/>

IT IS RULED that:

1. The Notice of Intent is rejected.	<input type="checkbox"/>
2. The customer has satisfied the eligibility requirements of Pub. Util. Code § 1804(a).	<input type="checkbox"/>
3. The customer has shown significant financial hardship.	<input type="checkbox"/>
4. The customer is preliminarily determined to be eligible for intervenor compensation in this proceeding. However, a finding of significant financial hardship in no way ensures compensation.	<input type="checkbox"/>
5. Additional guidance is provided to the customer as set forth above.	<input type="checkbox"/>

Dated _____, at San Francisco, California.

³ A Ruling needs not be issued unless: (a) the NOI is deficient; (b) the Administrative Law Judge desires to address specific issues raised by the NOI (to point out similar positions, areas of potential duplication in showings, unrealistic expectations for compensation, or other matters that may affect the customer's Intervenor Compensation Claim); or (c) the NOI has included a claim of "significant financial hardship" that requires a finding under § 1802(g).

Revised September 2014

Administrative Law Judge